

FAX COVER SHEET



TO: Janet Yandik
Information Management Specialist
Committee for Purchase From People Who Are
Blind or Severely Disabled

FROM: Linda K. Merrill
Envision
President

SUB: Docket No. 2004-01-01

DATE: December 13, 2004

4 pages including coversheet

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Choices & resources for people who are blind or low vision

Envision.

December 13, 2004

VIA FACSIMILE

Desk Officer for the Committee for Purchase from People
Who are Blind or Severely Disabled
Office of Information and Regulatory Affairs

Re: Docket No. 2004-01-01; Governance Standards for Central nonprofit
Agencies and Nonprofit Agencies Participating in the Javits-Wagner-
O'Day Program Notice of Proposed Rulemaking and Request for
Comments; 69 Fed. Reg. 65395 (November 12, 2004)

Dear Sir or Madam:

The purpose of this correspondence is to comment on the information collection and certifications and required determinations aspects of the above referenced proposed rule making. Envision intends to submit comments on the substantive of the proposed rulemaking, including whether the Committee for Purchase from People who are Blind or Severely Disabled (the Committee) has the authority under the JWOD Act to propose such rules for adoption. Envision expressly reserves its right to submit such substantive comments in respect of this rulemaking prior to the revised February 10, 2005 deadline established by the Committee.

Organized in 1933 under the laws of the state of Kansas, Envision is a 501(c) 3 nonprofit agency (NPA) which has participated in the Javits-Wagner-O'Day (JWOD) program since the early forties. For over seventy years, Envision has operated within the laws of the state of Kansas, the laws of the federal government, and the regulations of the JWOD program. Envision strongly feels that existing state and federal regulations are more than adequate for nonprofit governance. Because of our strong feelings opposing further regulations, we respectfully request the Office of Management and Budget to disapprove the information collection for this rule making and that the Committee for Purchase from People who are Blind or Severely Disabled discontinue their intent to implement the regulation changes.

Please consider the following comments:

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- Increased Cost:** If the Committee's proposed regulations are put in place, it will notably burden, our already burdened, accounting department. If put in place, we believe the additional regulation would supercede the Committee's estimated 19 hours by approximately 21 hours. Such additional recordkeeping has an associated cost. This cost will be allocated to overhead and passed on to the cost of products and services sold to the federal government.
- Adverse Impact:** The collection of the requested information has no bearing on the policy of the Government to increase employment and training opportunities for persons who are blind or have other severe disabilities. According to the JWOD regulations, the Committee is to establish rules, regulations, and policies to assure effective implementation of the JWOD Act. (41CFR51-2.2). If put in place, these requirements may adversely impact people who are blind or severely disabled. According to 41CFR51-4.5, Violations by nonprofit agencies, the Committee may terminate the nonprofit agency's eligibility to participate in the JWOD program. This would merely eliminate jobs held by people who are blind or severely disabled and further increase the seventy plus percent unemployment rate among people with disabilities. Effective implementation of the JWOD Act should pertain to regulations where problems do exist within the JWOD program (i.e. the issue of essentially the same products offered by commercial entities and enforcement of the JWOD Act within the federal government) and whereby the elimination of such problems would *increase* employment and training opportunities for persons who are blind or have other severe disabilities.
- Duplicative:** Collection of such information is a duplication of the information provided the Internal Revenue Services (IRS) on Form 990. The Form 990 discloses a nonprofit agency's financial data, including administrative expenses and executive compensation. The 990 is readily available to the public and Committee staff. In response to Sarbanes-Oxley and increased public scrutiny, the IRS and Congress are currently reviewing nonprofit practices. With the existing IRS oversight and potential future oversight of nonprofits by Congress, the Committee's additional oversight and information collection is redundant, unnecessary, and unrelated to the Committee's statutory purpose. Therefore, Envision believes it is not necessary or appropriate for the Committee to impose additional information collection requirements merely because we participate in the JWOD program.
- Excessive and Unnecessary Oversight:** In the proposed rule making, the Committee states several times *"isolated instances of excessive compensation packages for nonprofit agency executives"* and *"the overwhelming majority of JWOD-affiliated central nonprofit agencies and nonprofit agencies operate in an ethical and accountable manner."* The

entire JWOD program should not be overly burdened or regulated because of the faults of a few nonprofit agencies.

In closing, Envision recommends that OMB not only consider all of the comments received, but also the potential for unintended negative ramifications on people who are blind or severely disabled. By judiciously disapproving the information collection for this rule making and preventing the Committee for Purchase from People who are Blind or Severely Disabled from implementing the proposed regulation changes the Committee will utilize the governmental entities in existence and Committee staff will be freer to concentrate their efforts on the policy of the Government which is to increase employment and training opportunities for persons who are blind or have other severe disabilities.

Respectfully,



Linda K. Merrill
President

cc: Janet Yandik, Information Management Specialist
Committee for Purchase from People who are Blind or Severely Disabled